

REMARKS/ARGUMENTS

Claims 1 and 2 have been canceled without prejudice in order to expedite prosecution. Applicants respectfully maintain leave to submit such claims in a divisional application. New claim 23 finds basis in the Specification in original claims 1 and 2 and at 16, 23, 24, 25 and 26. Claims 3, 4, 5, 6, 15 and 16 have been amended in order to change their dependency from canceled claims 1 or 2 to claim 23.

The Office Action of December 16, 2004 rejected Claims 1, 2, 5, 6, 11 and 12 under 35 U.S.C. 102(b) as being anticipated by Walsh (U.S. Patent No. 4,911,544) [Office Action, p. 2]. The Office Action December 16, 2004 further rejected Claims 3, 4, 7-10 and 13-22 under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Bioengineering of the Skin: Skin Surface Imaging and Analysis (hereinafter, "Wilhelm, et al.") [Office Action, pp. 2-3]. Applicants respectfully request reconsideration of these rejections with respect to the claims in their current state and the ensuing discussion.

According to the Office Action, Walsh describes "analyzing skin for suggesting cosmetic sales based on images using multiple wavelengths of light." [Office Action p. 2]. The Office Action admits that "Walsh does not disclose 'taking a polarized photograph'". [Office Action, p. 2]. The Office Action then states that "Bioengineering of the Skin: Skin Surface Imaging and Analysis teaches that in addition to using multiple wavelengths of light polarized imaging of the skin provides useful analysis. It would have been obvious to one of ordinary skill at the time of applicant's invention to provide Walsh with polarized light for analyzing the skin. One would have been motivated to so modify Walsh for the benefit of revealing features not shown by other wavelengths of light." [Office Action, p. 3] Applicants respectfully request reconsideration of this rejection in view of the ensuing discussion.

The claims currently relate to a system according to which products are recommended for addressing skin needs utilizing both photography and computer analysis of responses to questions about this skin. Nowhere does Walsh does not teach or suggest transferring photographs to a computer. Nor does Walsh teach or suggest presenting the consumer with questions relating to the photographs or combining photography with relational analysis performed by computer to provide skin care treatment recommendations, as set forth in the claims as currently presented. Therefore, applicants respectfully request reconsideration of the rejection under 35 U.S.C. 102 in view of Walsh.

Moreover, Wilhelm et al. does not remedy the inadequacies of the Walsh patent in such a way as to provide motivation to one of ordinary skill in the art to reach applicants' claimed

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method. Wilhelm et al. relates to photographing skin using polarized light. However, nowhere does Wilhelm et al. suggest or disclose combining skin photography with a computer analysis to provide a method to make skin treatment product recommendations. Therefore, applicants respectfully request reconsideration of the rejection under 35 U.S.C. 103(a) in view of the combination of Walsh and Wilhelm et al.

Applicants believe that the claims as currently presented are patentable over the Walsh patent and Wilhelm et al. publication, taken separately or together. Accordingly, an early allowance is earnestly solicited. If the Examiner feels that a discussion with Applicant's representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicant's representative at the number provided below.

Respectfully submitted,

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